HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 28735 OF 1997

Between:

Ch. Brahmachari and another

… Petitioners

and

The District Cooperative Officer and others

… Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 28735 OF 1997

ORAL ORDER:

The impugned proceedings of the 2nd respondent dated 1.9.1997 merely required the 1st petitioner to show cause why an order under Section 60 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') should not be passed against him for recovery of the misappropriated amount of Rs.3,950/- together with interest at 24% per annum till the date of its realization.

Sri V.S.R. Murthy, learned counsel for the petitioners, would contend that this amount of Rs.3,950/- represents the bonus payable to the petitioners under the Payment of Bonus Act, for the year 1993-94. Learned counsel would submit that, in view of the orders of this court in W.P. No. 16649 of 1995 dated 1.12.1995, the petitioners are entitled for being extended the benefit of bonus.

It is wholly unnecessary for this court to examine as to

whether the petitioners are entitled for bonus in the light of the orders of this court in W.P.No.16649 of 1995 dated 1.12.1995, in as much as the impugned proceedings dated 1.9.1997 is merely a show cause notice, calling upon the 1st petitioner to show cause as to why an order under Section 60 of the Act should not be passed. It is always open to the petitioners to submit their reply to the show cause notice and raise all such contentions, as are available to them in law before the 2nd respondent.

Sri V.S.R. Murthy, learned counsel for the petitioners, would request that, since the time of 15 days has already expired, further time be granted to the petitioners to submit their reply to the show cause notice. The petitioners are permitted to submit their reply to the show cause notice within 2 weeks from the date of receipt of a copy of this order. The 2nd respondent shall, on receipt of such a reply, pass a reasoned order in accordance with law. The interim orders passed by this court shall be maintained till the final orders are passed by the 2nd respondent. Needless to state that in case the petitioners do not file their reply to the show cause notice within the aforesaid time stipulated, it is always open to the 2nd respondent to proceed to pass final orders without awaiting for the reply to be submitted by the petitioners.

The writ petition is disposed of accordingly. No costs.

RAMESH RANGANATHAN, J

DATE: 7.3.2007

CVM